

Written Statement of Proposed Testimony in Support of H.R. 3718 "Little San Bernardino Mountains Right-of-Way Act" to be heard on Thursday April 11th. 2002 before the 107th. Congress, 2nd. Session.

--Synopsis--

RM Broadcasting, a California corporation, owns and operates two FM radio broadcast stations in Palm Springs California, KPLM and KJJZ. These two stations, another FM radio station, KMRJ, and the University of Southern California's Classical Music/National Public Radio FM station, KPSC, transmit their broadcast signals from a radio tower facility on land which RM Broadcasting owns in an area called Indio Hills located in the Little San Bernardino Mountains. This site is accessed by a road, a portion of which (approximately 7/10ths of a mile) crosses into The Joshua Tree National Park zoned Wilderness Area. RM Broadcasting is seeking permission to continue using this short portion of the road because:

- the area is remote and inhospitable to the extent that it is not utilized by the public
- permission has previously been granted by the Park Service to use the road subject to certain conditions which were fulfilled
- no harm has been done or is being done to the environment
- the road has been used without other complaints, difficulties or problems for nearly twenty years
- the road is used by the National Park Service, the Imperial Irrigation District, the Metropolitan Water District for official business
- the incursion is insignificant in length
- no further incursion into the Wilderness Area will occur
- elimination of the incursion is not possible due to unsuitable terrain.
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--Background--

The RM Broadcasting tower site along with its access road have been used by KPLM since the station was put on the air in 1983. The site and access road were built by KPLM's original owner, RTC Broadcasting. In 1986 KPLM was acquired by the R Group Management Company. In 1987 the original road was improved by the R Group Management Company. At that time, National Park Service Superintendent Rick Anderson, since retired, notified R Group Management that the road was trespassing on the Wilderness Area. R Group Management subsequently agreed that there was trespass but was able to negotiate an agreement with former Superintendent Anderson (exhibits A, B, C). This agreement stated that R Group Management would be able to continue to use the road subject to the conditions that a gate and fence be constructed and maintained, that grading would be contoured to appear as natural as possible, and that Public Service Announcements for the National Park Service would be broadcast by KPLM. R Group Management complied with these conditions and RM Broadcasting (the present owner of KPLM and the tower site property) has continued to maintain the road, gate and fence and continues to broadcast Public Service Announcements for the National Park Service.

This is where matters stood until March of 1997 when RM Broadcasting was notified by the new Superintendent of the National Park Service's Joshua Tree Office, Mr. Ernest Quintana, that he was reopening the issue of the tower site access road's incursion into the Wilderness Area. Mr. Quintana's position was that the road needed to be removed and that access through the Wilderness Area could only take place on foot or by mule.

Unfortunately, accessing the tower site on foot or by mule are not practical. Distances involved on either side of the contested area, the weight of necessary equipment, and the need to get to the site quickly and on short notice preclude these options. Reworking the road to avoid Wilderness Area land would require construction on unsuitable terrain which the local zoning authority would not permit.

For these reasons, RM Broadcasting, saw no other solution than to respectfully ask

Congresswoman Mary Bono (44th. Congressional District), in whose district RM Broadcasting maintains its offices, to intercede on its behalf. Congresswoman Bono, after carefully considering the situation, agreed that it would be onerous and unreasonable for RM Broadcasting to discontinue using the disputed portion of the tower site access road. Congresswoman Bono then arranged a meeting between the principal parties in the matter.

On August 27th., 2001, in her Palm Springs Office, the co-owners of RM Broadcasting, Robert Rivkin and Todd Marker, met with Mr. Ernest Quintana, Mr. John Reynolds, the regional director of The National Park Service, Congresswoman Bono, and her staff. After all parties were heard and after carefully considering the situation, Mr. Reynolds recommended that Congresswoman Bono sponsor a bill which would allow RM Broadcasting to continue to use the access road to its tower site and he affirmed that the National Park Service would have no objection to such a bill.

This is the bill, H.R. 3718 which is now before you for your vote. RM Broadcasting hopes that you will allow it to continue to enjoy the use of the tower site access road as it has in the past.

Attachments: 3 maps, 3 National Park Service letters.

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